

ORDINANCE NO. 5921

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE
SECTIONS 46-4 PENALTIES AND 46-162 LITTERING TO MAKE
LITTERING A BAIL SCHEDULE OFFENSE**

WHEREAS, the offense of littering carries a penalty of a fine not to exceed \$450; and
WHEREAS, the offense of littering as currently written is not an offense amendable to disposition without a court appearance (not a “bail schedule” offense); and
WHEREAS, making littering a bail schedule offense would allow a person charged with littering the option of resolving the case without the need for a court appearance; and
WHEREAS, subpart (7) of FGC Sec. 46-162 referencing the “director of public safety” and the “city sanitarian” needs to be updated as these position no longer exist,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. That Fairbanks General Code Section 46-4(c) is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

Sec. 46-4. Penalties.

* * * * *

(c) A person convicted of any of the following offenses shall be punished by a fine only of not more than \$450.00:

- (1) Section 46-41(a) – Disorderly Conduct.
- (2) Section 46-42(a) – Disturbing the peace.
- (3) ~~Section 46-162 – Littering.~~
- (4) Section 46-137 – Illegal handbilling.

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Section 2. That Fairbanks General Code Section 46-162 – Offenses, is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

Sec. 46-162. Offense.

A person commits the offense of littering if he:

- (1) In a public place, throws or deposits litter other than into a public receptacle or authorized private receptacle;
- (2) Throws or deposits litter onto the premises of another;
- (3) While in or on any vehicle, throws or deposits litter other than into a public receptacle or authorized private receptacle;
- (4) Sweeps or deposits the accumulation of litter from any sidewalk or premises onto any public way;
- (5) Places litter in a public receptacle or authorized private receptacle in such a manner as to allow the litter to be scattered or carried away by wind or water;
- (6) As an owner or lessee of premises, permits any litter on his premises to remain or be stored in such a manner as to allow the litter to be scattered away by wind or water;
- (7) As an owner or lessee of premises, maintains or allows litter to accumulate on his premises, other than for collection purposes in a manner authorized by or pursuant to chapter 66, article II, division 2 of this Code, and fails to remove and dispose of all such litter within five days after receiving written notice to do so from director of public workssafety or his/her designee ~~city sanitarian~~;
- (8) As an owner or lessee of premises, fails to keep the sidewalks contiguous to his premises free of accumulations of litter; or
- (9) Operates or moves any vehicle which is so loaded as to allow any load, contents or litter to be blown or deposited upon any public way.

Section 3. That Fairbanks General Code Section 46-164 – Picking up litter by offender, is hereby repealed and replaced by the following: [the repealed version is shown in ~~striketrough~~ font; the new version of 46-164 is shown in **bold/underline** font]:

Sec. 46-164. Picking up litter by offenderPenalty.

~~Upon a conviction for the offense of littering, the court may require as a condition of probation, in addition to any other penalty imposed, that the convicted person pick up litter at a designated time and place within the~~

~~jurisdiction of the court, for a total of not less than four hours nor more than 40 hours.~~

Littering is an offense amenable to disposition without court appearance upon payment and forfeiture of a bail amount of \$250.

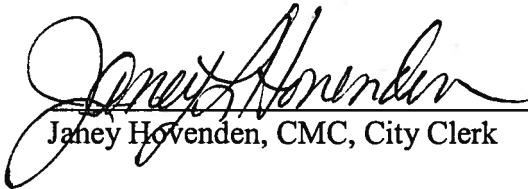
Section 3. That the effective date of this ordinance shall be the 13th day of July 2013.



Jerry Cleworth, Mayor

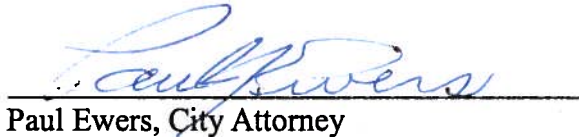
AYES: Walley, Matherly, Gatewood, Hilling, Eberhart, Staley
NAYS: None
ABSENT: None
ADOPTED: July 8, 2013

ATTEST:



Jahey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:



Paul Ewers, City Attorney